



VOSH PROGRAM DIRECTIVE: 14-219B

ISSUED: April 1, 2003

SUBJECT: Local Emphasis Program: Heavy Equipment

A. Purpose

This revised directive updates old references and renumbers this LEP to conform to the program directives' new classification and numbering system (see VOSH Directive 01-001A).

This directive also continues a local emphasis program (LEP), Heavy Equipment, for general industry and the construction industry.

This Program Directive is an internal guideline, not a statutory or regulatory rule, and is intended to provide instructions to VOSH personnel regarding internal operation of the Virginia Occupational Safety and Health Program and is solely for the benefit of the program. This document is not subject to the Virginia Register Act or the Administrative Process Act; it does not have general application and is not being enforced as having the force of law.

B. Scope

This Directive applies to all VOSH personnel, and specifically to Occupational Safety Compliance and Consultation Services Personnel.

C. Reference

Not applicable.

D. Cancellation

VOSH Program Directive 02-219B (April 15, 1999)

E. Action

Directors and Managers shall assure that procedures established in this directive are adhered to in scheduling and conducting inspections which comply with this local emphasis program.

F. Effective Date

April 1, 2003

G. Expiration Date

Not Applicable.

H. Background and Summary

Because of a continuing pattern of work-related vehicular incidents and fatalities, VOSH enforcement has determined that a continuation of the special emphasis program effort targeting heavy equipment is warranted. This local emphasis program, by increasing VOSH enforcement presence, will heighten general industry and construction industry awareness of hazardous conditions or situations existing on their worksites concerning heavy equipment operation.

Heavy equipment vehicles under consideration include, but are not limited to, the following:

Earth Moving Equipment

Bulldozers, Scrapers, Compactors, Dump Trucks, Road Graders, Front-end Loaders, Rough Terrain Forklifts, Back Hoes and Draglines.

Miscellaneous Equipment

Cranes, Concrete trucks, Sanitation Trucks, Sanitary fill trash compactors, Forklifts, Front-end loaders, Industrial Mowers, and Skid-steer Loaders.

I. Procedures

1. All compliance personnel shall be instructed to be on the lookout for general industry and construction activities in which such heavy equipment vehicles may be in use. Every observation of these general industry and construction vehicles in use shall be handled as follows:
 - a. Regardless of whether a violation is observed, whenever a CSHO sights or receives any other notice of a general industry or construction operation in which such heavy equipment is being used (including nonformal complaints, other government agency referrals, and reports from members of the public), the CSHO shall:
 - (1) Make an inspection of back-up alarms and labeling (e.g., warnings

of operation, load capacities, etc.) on such vehicles.

- (2) Make note of the state and condition of the work operation, insofar as it is known, including any apparent serious hazards.
 - (3) Note the name and address or location of the worksite and the contractor (where applicable) performing the operation, if known.
 - (4) Note whether violations or unsafe conditions are observed in plain view. Refer to paragraph I.1.c., below, if no violations or unsafe conditions are observed.
 - b. All activities involving heavy equipment in general and construction work industries that are brought to the attention of the CSHO shall be inspected if violations or unsafe conditions are observed in plain view. The CSHO shall notify his supervisor at the earliest convenient time that an inspection has been opened pursuant to this LEP.
 - c. No inspection of the worksite shall be conducted if it is apparent that the back-up alarm is functioning, the equipment is properly labeled and no other violations or other hazardous conditions appear in plain view. When no inspection is conducted, the CSHO shall record this for the purposes of the IMIS system according to the guidelines in paragraph J.3.
 - d. Nonformal complaints and other referrals in general industry and construction operations involving heavy equipment shall be scheduled as unprogrammed inspections under this LEP, conducted in accordance with the VOSH FOM. Such notices, therefore, need not be responded to with the usual letter to the employer.
2. Although sightings will normally be those which occur during the course of routine travel during duty or nonduty hours, the discovery of these work activities may be the result of a specific search to find activities involving heavy equipment.
 3. Documentation of the events leading up to the observation or the reporting of general industry and construction activities involving heavy equipment shall be maintained by the Regional Office in case of denial of entry.
 4. When an inspection is not conducted because consent has not been obtained, a warrant normally shall be sought in accordance with the current procedures for handling such cases. A warrant may not be necessary if the violations are in plain view.
 5. The scope of inspections conducted under this LEP shall normally be limited to

activities relating to the use of such heavy equipment. If the inspection is to be expanded, the principles given in the VOSH FOM shall be followed and are hereby incorporated by reference for application to both planned and unprogrammed inspections under this LEP.

J. Recording in IMIS

The following guidelines shall be applied when recording inspections conducted under this LEP and during other inspections in general or construction industries activities involving heavy equipment.

1. For IMIS purposes, the VAOSH-1 form will be completed as follows:

For Inspection Type, find item 24, and enter an “H” after the colon. (This will yield “**Programmed Planned**” on the screen.)

For Inspection Classification, find item 25c and enter a “Y” after the colon. (This will yield “**Local Emphasis Program**” on the pop-up box. Enter “HVYEQUIP” in all caps in the left-hand column of the pop-up box.

2. Nonformal complaints, other government agency referrals and reports from the public reporting potential hazards related to general industry or construction operations involving heavy equipment shall be recorded on a VOSH-7 form (Notice of Alleged Safety or Health Hazards) or on a VAOSH-90 (Referral report) if appropriate. Follow current IMIS instructions. They shall also be recorded as unprogrammed inspections under the LEP.
3. No Inspection Conducted: When no inspection of heavy equipment is conducted for any of the reasons listed in I.1. through I.5, the VAOSH-1 form shall be marked “No inspection” (Item 35, marked “D” after the colon; “Close” (Item 44, marked “A”); “No Citations Issued: (Item 44, marked “B”); and “Other” (Item 45, marked “I.”). Record “HVYEQUIP” in the space in 45I. “Opening Conference Date” (Item 20) which will be the date of entry (enter the date-- month/day/year) and “Closing Conference Date” (On Site) (Item 46) will be the date of exit (enter the date – month/day/year). Opening and closing dates are the same date when no inspection is conducted.

Note: If you have any questions regarding the proper way to record in IMIS, please contact the VOSH IMIS section.

C. Ray Davenport
Commissioner

Attachment: None

Distribution: Commissioner of Labor and Industry
Directors and Compliance Managers
Compliance Staff
Cooperative Programs Staff
Legal Support Staff
OSHA Regional Administrator, Region III
OSHA Regional Office, Norfolk